

In the Matter of)
)
Connect America Fund) WC Docket No. 10-90
)

Pulaski-White Rural Telephone Cooperative (“Pulaski-White”) hereby submits these reply comments regarding the Federal Communications Commission’s (“FCC” or “Commission”) July 29, 2015 Public Notice which published the preliminary determination of rate-of-return study areas 100 percent overlapped by unsubsidized competitors (“Public Notice”).¹ In addition to notifying fifteen rate-of-return carriers that they will be subject to a phase down of high cost Universal Service Fund (“USF”) support if the preliminary determination of 100 percent overlap is affirmed, the Public Notice also identifies eleven rate-of-return carriers that they have been determined by the Commission’s methodology to have a competitor providing broadband service to between 99 and 100 percent of the developed census blocks in their study areas. As a result, these rate-of-return carriers in the 99 percent category may potentially have their high-cost USF phased out as a result of the 100 Percent Overlap Rule next time the data is evaluated, if the preliminary determinations are found to be accurate.²

¹ See Wireline Competition Bureau Publishes Preliminary Determination of Rate-of-Return Study Areas 100 Percent Overlapped by Unsubsidized Competitors, WC Docket No. 10-90, Public Notice (rel. July 29, 2015) (“Public Notice”).

² See *Connect America Fund et al.*, WC Docket Nos. 10-90 et al., Report and Order et al., 29 FCC Rcd 7051 (2014); 47 C.F.R. § 54.319.

in the Public Notice as being overlapped by an unsubsidized competitor in 99 percent of the developed census blocks in the study area. Pulaski-White hereby refutes this preliminary determination.

In the Public Notice, the FCC states that rate-of-return carriers are “free to submit evidence that an unsubsidized competitor does not offer service to all locations in the census blocks specified in the appendix and/or that the competitor is not offering service to all locations within those blocks.”³ The FCC explains that relevant evidence would include searching competitors’ online service availability tools and receiving a “no service available” result for a specific address.

Pulaski-White did not have access to the same set of data that the FCC provided to companies that were in the 100 percent category, such as a map of the census blocks with indications of which competitors were present in the census blocks.⁴ However, Pulaski-White urges the FCC to remove it from the 99 percent overlap category because at least one of the unsubsidized competitors listed in the Public Notice does not provide guaranteed service at the FCC’s technical and service quality standards in census blocks in Pulaski-White’s study area. RTC has provided the attached affidavit as evidence that it does not substantially overlap Pulaski-White’s service area. Any census blocks that were designated as overlapped by RTC should be removed from the methodology that the Commission used to determine the extent of the overlap.

³ See Public Notice at ¶ 22.

⁴ See 100% Overlap Map at <https://www.fcc.gov/maps/100pct-overlap-map>.

Pulaski-White also notes that one of the other unsubsidized competitors listed as providing service in its study area did not affirm itself as an unsubsidized competitor to Pulaski-White or any of the other companies that it allegedly overlaps. TRANSWORLD is a Wireless Internet Service Provider (“WISP”) and, to Pulaski-White’s knowledge, is not able to provide service to the entirety of the service area due to geographical and technical constraints. A contact was made on-line with no return response. Additionally, TRANSWORLD did not file comments affirming that it is an unsubsidized competitor in Pulaski-White’s study area.

Pulaski-White respectfully requests that the Commission find the evidence submitted herein to be sufficient to effectively remove the Company from potentially being impacted by the 100 Percent Overlap Rule next time the competitive overlap calculations are completed. High-cost universal service support is critical for Pulaski-White’s mission of providing quality and affordable voice and broadband service in its rural Indiana study area. The 100 Percent Overlap Rule would be devastating to Pulaski-White and its customers. The Commission’s preliminary determination about Pulaski-White is incorrect and the Company’s service area is not 99 percent overlapped by unsubsidized competitors.

Respectfully submitted,

/s/ Mark A. Dickerson

Mark A. Dickerson

President/CEO

Pulaski-White Rural Telephone Cooperative

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Filed September 28, 2015

AFFIDAVIT OF RTC Communications Corp

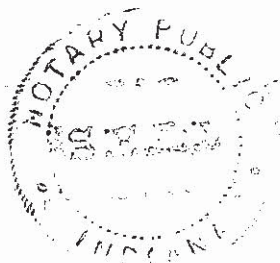
I, Joseph P. McCarter, am the President of RTC. I have been employed by RTC for 5 years. I am personally familiar with the locations and types of telephone and Internet plant in RTC's service area, as well as the geographic scope of the service area itself.

The Federal Communications Commission's ("FCC") July 29, 2015 Public Notice of preliminary determination of rate-of-return areas that are 100 percent and 99 percent overlapped by unsubsidized competitors identifies RTC as an unsubsidized competitor in Pulaski-White Rural Telephone Cooperative's ("Pulaski-White") study area (Study Area Code 320813). I acknowledge the FCC's determination that RTC overlaps Pulaski-White's study area in a small geographic area. However, the services RTC offers in that overlap are not guaranteed as our services are fixed wireless and subject to unlicensed spectrum limitations of height and foliage blockage.

RTC feels it is very important that Pulaski-White Rural Telephone Cooperative's guarantee of service in their study area is vital to that community. While our fixed wireless service is an alternative for some in our small, overlap geography, it certainly is not technically feasible to all in that area.



President
RTC Communications Corp
9-28-15



Joseph P McCarter, President, personally appeared before me and affirmed that the above-stated facts were true and correct based upon his own personal knowledge.

County FULTON State of INDIANA

Subscribed and sworn before me on: SEPTEMBER 28, 2015

Notary Public: Greta M. Lynch

Date: 9/28/2015 GRETA M. LYNCH

My commission expires: 01-26-2016